

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1119 Water Safety and Swimming Certification for K-12 Students

SPONSOR(S): Daley and Mooney

TIED BILLS: None **IDEN./SIM. BILLS:** SB 358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee		Brink	Brink
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

In 2020, 68 children in Florida died from an accidental drowning,¹ while 16 child drownings have occurred so far in 2021.² As reported by the Florida Department of Health, Florida ranked 6th in the country for unintentional drowning deaths in 2019,³ and from 2017 to 2019, Florida had the highest accidental drowning rate among the population of children ages 0 to 9, at 3.28 deaths per 100,000.⁴ Nationally, drowning is the leading cause of accidental death for children ages 1 to 4.

The bill establishes the Edna Mae McGovern Act, named after a young girl from Coral Springs, Florida, who tragically drowned in her family's backyard pool in 2009.

Beginning with the 2022-2023 school year, the bill requires each district school board and governing authority of each private school in the state to ask the parent of each child who is entitled to admittance to kindergarten, or other initial entrance into a school, if the child has successfully completed a water safety education course and age-appropriate swim lessons.

A school may ask for certification that the child completed such a course and swim lessons. If the child has not completed a course and swim lessons, the school must offer a document to the parent stating the importance of water safety education courses and swim lessons in saving children's lives and providing five options for free or reduced priced swim lessons. The bill specifies that it does not apply to students attending adult education classes who are 21 years of age or older.

A school district must keep record of parents who have or have not submitted certification.

The bill exempts employees of district school boards and private school governing boards from liability for any injury caused by students taking swim lessons under the act.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2021.

¹ Florida Department of Children and Families, *Child Fatality Prevention*, <https://www.myflfamilies.com/ChildFatality/stateresults.shtml?minage=0&maxage=18&year=2020&cause=Drowning&prior12=&verified=> (last visited Mar. 21, 2021).

² *Id.*

³ Florida Department of Health, *Drowning Prevention*, <http://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html%23:~:text=According%20to%20the%20CDC%2C%20Florida.for%20all%20ages%20in%202019>. (last visited Mar. 21, 2021).

⁴ *Id.*

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Accidental Drownings

In 2020, 68 children in Florida died from an accidental drowning,⁵ while 16 child drownings have occurred so far in 2021.⁶ As reported by the Florida Department of Health, Florida ranked 6th in the country for unintentional drowning deaths in 2019,⁷ and from 2017 to 2019, Florida had the highest accidental drowning rate among the population of children ages 0 to 9, at 3.28 deaths per 100,000.⁸ Nationally, drowning is the leading cause of accidental death for children ages 1 to 4.⁹

As one of several strategies to help prevent accidental drowning deaths, the American Academy of Pediatrics recommends that children ages 4 and older learn to swim, including through swim lessons that provide instruction on swimming techniques and water survival skills taught by instructors certified through a nationally recognized curriculum.¹⁰ In Florida, many municipalities and local governments provide information for locally available swim lessons.¹¹ Other local governments, including Broward County, Hillsborough County, Palm Beach County, and Miami-Dade County, have provided for free swim lessons for certain children.¹²

Florida's Next Generation Sunshine State Standards include instruction on water safety from kindergarten through high school, including identifying the dangers of entering a body of water without supervision, rules for safe water activities, and safety equipment and practices relating to water activities.¹³

School Entry Health Examination Requirements

For children initially entering public and private school, Florida law requires each child to present certification of a school-entry health examination performed within 1 year before enrollment.¹⁴ A child is exempt from the health examination requirement upon written request of the parent stating objections to the examination on religious grounds.¹⁵

⁵ Florida Department of Children and Families, *Child Fatality Prevention*, <https://www.myflfamilies.com/ChildFatality/stateresults.shtml?minage=0&maxage=18&year=2020&cause=Drowning&prior12=&verified=> (last visited Mar. 21, 2021).

⁶ *Id.*

⁷ Florida Department of Health, *Drowning Prevention*, <http://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html%23%3A~:text=According%20to%20the%20CDC%2C%20Florida.for%20all%20ages%20in%202019>. (last visited Mar. 21, 2021).

⁸ *Id.*

⁹ National Drowning Prevention Alliance, *Drowning Quick Facts*, <https://ndpa.org/drowning-quick-facts/> (last visited Mar. 21, 2021).

¹⁰ American Academy of Pediatrics, *Swim Lessons: When to Start & What Parents Should Know*, <https://www.healthychildren.org/English/safety-prevention/at-play/Pages/swim-lessons.aspx> (last visited Mar. 21, 2021).

¹¹ See, e.g., Polk County Health Department, *2019 Polk County Swim Lesson Facilities* (2019), available at http://polk.floridahealth.gov/files/documents/2019_Polk_County_Swim_Lessons.pdf; St. Petersburg Parks & Recreation, *Swim Lessons*, <http://www.stpeteparksrec.org/swimlessons/> (last visited Mar. 21, 2021); City of Tallahassee, *Swimming Lessons*, <https://www.talgov.com/parks/aquatics-lessons.aspx> (last visited Mar. 21, 2021).

¹² See, e.g., Water Smart Broward, *Swim Coupon*, <https://watersmartbroward.org/programs/kids-swim-coupon/> (last visited Mar. 21, 2021); Hillsborough County, *Free Swim Lessons, for Safety's Sake*, <https://www.hillsboroughcounty.org/en/newsroom/2019/03/29/free-swim-lessons-for-safetys-sake>; Miami-Dade County, *Learn to Swim*, https://www.miamidade.gov/global/service.page?Mduid_service=ser14716214303986 (last visited Mar. 21, 2021); Palm Beach County Drowning Prevention Coalition, *Free Lessons*, <https://discover.pbcgov.org/drowningprevention/Pages/FreeLessons.aspx> (last visited Mar. 21, 2021).

¹³ See CPALMS, *Standards Information and Resources*, <https://www.cpalms.org/Public/search/Standard#> (last visited Mar. 21, 2021).

¹⁴ See s. 1003.22(1), F.S.

¹⁵ *Id.*

Additionally, each district school board and private school governing authority must have policies that require each child have on file a certification of immunization against diseases as determined in statute and Florida Department of Health rules,¹⁶ unless subject to an exemption.¹⁷

There is no requirement for a school to ask for documentation that an incoming student has completed a water safety instruction course or swim lessons.

Effect of Proposed Changes

The bill establishes the Edna Mae McGovern Act, named after a young girl from Coral Springs, Florida, who tragically drowned in her family's backyard pool in 2009.

Beginning with the 2022-2023 school year, in addition to requiring certification of a school-entry health examination, the bill requires each district school board and governing authority of each private school in the state to ask the parent of each child who is entitled to admittance to kindergarten, or other initial entrance into a school, if the child has successfully completed a water safety education course and age-appropriate swim lessons.

A school may ask for certification that the child completed such a course and swim lessons. If the child has not completed a course and swim lessons, the school must offer a document to the parent stating the importance of water safety education courses and swim lessons in saving children's lives and providing five options for free or reduced priced swim lessons.

A school district must keep record of parents who have or have not submitted certification.

The bill exempts employees of district school boards and private school governing boards from liability for any injury caused by students taking swim lessons under the act.

The bill specifies that it does not apply to students attending adult education classes who are 21 years of age or older.

B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 1003.225, F.S.; defining the term "water safety"; requiring district school boards and the governing authorities of private schools to ask the parent or guardians of certain children if the child has completed a water safety education course and swim lessons; providing that schools may ask for specified certification for certain children; requiring that schools offer a document containing specified information to certain children; requiring school districts to maintain certain records; providing that certain persons are not liable for specified injuries; exempting persons admitted to or attending adult education classes unless such persons are under a specified age

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹⁶ See s. 1003.22(4)(a), F.S.

¹⁷ Section 1003.22(3) and (5), F.S.

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments, *infra*.

D. FISCAL COMMENTS:

School districts and private schools may incur indeterminate costs for providing documentation on water safety and locally available free and reduced priced swim lessons to parents and for collecting and maintaining information on a student's completion of a water safety course and swim lessons.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.